

Reclassify part Lot 1042 DP 833411, Mirador to Operational Land and Rezone to R2 Low Density Residential Zone (550 M2 MLS)

Proposal Title : Reclassify part Lot 1042 DP 833411, Mirador to Operational Land and Rezone to R2 Low Density Residential Zone (550 M2 MLS)

Proposal Summary : Council seeks to amend both the Bega LEP 2002 and the exhibited draft Bega LEP 2012 to reclassify Part lot 1040 DP 833411 Camilla Court, Mirador (1,033 m2) from Community land to Operational Land and to rezone the land from 6(a) Public Open Space (Bega LEP 2002) to:

A. Bega LEP 2002 - Residential 2(a) Zone.

B. Draft Bega LEP 2012 - R2 Low Density Residential Zone and 550 m2 minimum lot size

Mirador is a subdivision of approximately 600 lots with only one access road in a high bush fire prone area. The rezoning and reclassification will allow another vehicular access/egress for emergency vehicles to the Mirador residential area by allowing Council to exchange the subject Council land with a private land holder for another parcel of land that will provide access for emergency vehicles.

PP Number : PP_2012_BEGAV_002_00 Dop File No : 10/11132

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :
2.2 Coastal Protection
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.2 Reserving Land for Public Purposes

Additional Information : The Director General, as delegate of the Minister for Planning, determine under section 56(2) of the Environmental Planning & Assessment Act 1979 (EP&A Act) that an amendment to the Bega Local Environmental Plan 2012, to reclassify part Lot 1042 DP 833411 from Community Land to Operational Land and to rezone the subject land from 6(a) Existing Open Space to R2 Low Density Residential Zone with a 550 m2 minimum lot size should proceed subject to the following conditions:

1. The planning proposal is to be revised as an amendment to Bega LEP 2012. All reference to an amendment to Bega LEP 2002 is to be deleted from the planning proposal.
2. The planning proposal is to be revised to include a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument, i.e. changes to the Land Zoning Map and Lot Size Map, in accordance with section 55 (d) of the EP&A Act.
3. The planning proposal is to be revised to address the Director General's requirements regarding matters that must be addressed in the justification of a planning proposal to reclassify land, particularly the requirement regarding the extinguishment of any interests in the land (see Figure 4 in "A guide to preparing local environmental plans"). The revised planning proposal must also include a copy of the title of the land.
4. A copy of the revised planning proposal is to be provided to the Department's Regional Director, Southern Region, for review prior to the commencement of community consultation.
5. Community consultation is required under sections 56(2) (c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

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(a) the planning proposal must be made publicly available for 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

6. Consultation is required with the following public authorities under section 56(2) (d) of the EP&A Act:

- NSW Rural Fire Service

The NSW Rural Fire Service is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. No public hearing is required to be held into the matter under section 56(2) (e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

1. The completion of the Bega Valley LEP 2012 is likely overlap with the Planning Proposal to amend Bega LEP 2002 and Councils limited resources should be focussed on completing the principle plan ahead of minor amendments to the Bega LEP 2002.
2. The planning proposal has not adequately addressed the Director General's requirements for the reclassification of land.
3. The mapping provided with the planning proposal is not consistent with s55 (2) (d) of the EP&A Act.

Panel Recommendation

Recommendation Date : 10-May-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to amend the planning proposal to address any interests in the land including any Trusts and Covenants and provide a copy of the title prior to finalisation of the planning proposal. Council is to undertake the amendment to the planning proposal prior to the commencement of community consultation and provide a copy of the revised planning proposal to the Department's Regional Team.
2. Council is to revise and include additional maps to accurately indicate the existing zoning and the proposed zoning under the Bega LEP 2002 and the proposed zoning and minimum lot size under the draft Bega LEP 2012. Council is to include the additional and revised maps with the planning proposal for the purposes of community consultation, and provide the Department's Regional Team with a copy of the exhibition material
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

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- NSW Rural Fire Service

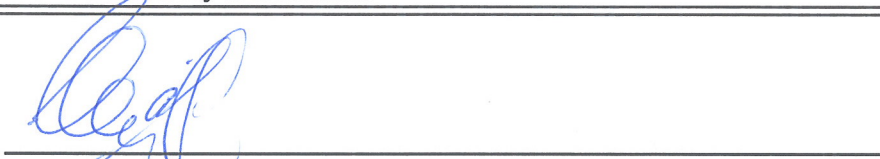
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. Further to Condition 4 above, Council is to consult with the Commissioner of the NSW Rural Fire Service and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward a copy of the revised planning proposal to the Department's Regional Office.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Noel McGaffin

Date:

18.5.12